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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/672,208	09/26/2003	Jing-Yau Chung	JYC025	8964

21322 7590 10/27/2004

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EXAMINER

VAN, QUANG T

ART UNIT PAPER NUMBER

3742

DATE MAILED: 10/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/672,208

Applicant(s)

CHUNG, JING-YAU

Examiner

Quang T Van

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 10-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 10-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Smith et al (US 5,134,263). Smith discloses a process and apparatus for heating food comprising a hot plate (22); a heating chamber (30) including a microwave mode (45) of heating wherein the heating chamber (30) is mounted over the hot plate (22); and it is inherent that a motor connected to the hot plate (22, conveyor) for moving the hot plate.

3. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Lipoma (US 3,718,082). Lipoma discloses an apparatus for continuous electromagnetic sterilization comprising a hot plate (15); a heating chamber (21) including a microwave mode (22) of heating wherein the heating chamber (21) is mounted over the hot plate (15); and it is inherent that a motor connected to the hot plate (22, conveyor) for moving the hot plate.

4. Claims 1, 10-12, and 15-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Chung (US 6,011,249). Chung discloses a microwave oven with hot plate and food stirrer comprising a hot plate (30); a heating chamber (10) including a microwave mode (20) of heating wherein the heating chamber (10) is mounted over the hot plate (30); and a motor connected to the hot plate (col. 2, lines 41-42) for moving the hot plate (30). With regard to claims 10 and 15, it is inherent that an on/off switch is connected to the motor in order to turn the motor on or off.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith et al (US 5,134,263) or Lipoma (US 3,718,082) in view of Ingram et al (US 3,881,403). Smith/Lipoma discloses substantially all features of the claimed invention except a first multi door mechanism mounted between the heating chamber and the hot plated proximate an entrance to the heating chamber and a second multi door mechanism mounted between the heating chamber and the hot plate proximate an exit way from the heating chamber. Ingram discloses a first multi door mechanism (G1, G2) mounted between the heating chamber (10) and the hot plated (24) proximate an entrance to the heating chamber and a second multi door mechanism (G3, G4) mounted between the heating chamber (10) and the hot plate (25, 28) proximate an exit way from the heating chamber. It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize in Smith/Lipoma a first multi door mechanism mounted between the heating chamber and the hot plated proximate an entrance to the heating chamber and a second multi door mechanism mounted between the heating chamber and the hot plate proximate an exit way from the heating chamber as taught by Ingram in order to prevent the escape of microwave energy to the outside

of the chamber. With regard claim 6, said first multi door mechanism is a first triple door mechanism and said second multi door mechanism is a second triple door mechanism. Ingram only shows first multi door mechanism is a first double door (G1, G2) and second multi door mechanism is a second double door mechanism (G3, G4). It would have been obvious to one having ordinary skill in the art to modify a first double door and a second double door mechanism of Ingram to be a first triple door mechanism and a second triple door mechanism. Doing so would provide a better preventing of leaking microwave energy to the outside of the heating chamber.

7. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith et al (US 5,134,263) or Lipoma (US 3,718,082) in view of Pinceloup (US 5,541,390). Smith/Lipoma discloses substantially all features of the claimed invention except the heating chamber is U-shaped when viewed from above. Pinceloup discloses a heating chamber is U-shaped when viewed from above (figure 1). It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize in Smith/Lipoma a heating chamber is U-shaped when viewed from above as taught by Pinceloup in order to have an entrance and exit in the same side-wall of the chamber.

8. Claims 2-3 and 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chung (US 6,011,249) in view of Smith et al (US 5,134,263). Chung discloses substantially all features of the claimed invention except an air circulation system connected to the heating chamber. Smith discloses an air circulation system connected to the heating chamber (col. 6, lines 36-42). It would have been obvious to one having

ordinary skill in the art at the time the invention was made to utilize in Chung air circulation system connected to the heating chamber as taught by Smith in order to deliver the hot air evenly throughout the oven.

9. Claims 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chung (US 6,011,249) in view of Fadel (US 4,999,468). Chung discloses substantially all features of the claimed invention except a motor being connected to the lone axis of the plate. Fadel discloses a motor being connected to the lone axis of the plate (col. 2, lines 21-25). It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize in a motor being connected to the lone axis of the plate as taught by Fadel in order to rotate the food through the entire heating chamber.

***Response to Amendment***

10. Applicant's arguments filed 8/23/2004 have been fully considered but they are not persuasive.

Applicant argues "Smith et al disclose and teach only a conveyor 22 (col. 4, L. 37). A conveyor cannot be a hot plate (as defined above and shown in applicant's Figs. 1-3). Moreover, Smith et al's conveyor is not taught to be hot ..." recited in the Remarks of Response to the Office Action filed on 8/23/2004. The Examiner disagrees. By dictionary, a "plate" is a smooth flat thin piece of material (<http://www.m-w.com/cgi-bin/dictionary?book=Dictionary&va=plate&x=16&y=14>). In claim 1, applicant claims "a hot plate" with no further structural support and no heater device to provide heat to make the plate hot. For the reasonable broadest interpretation, "a hot plate" as claimed

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is considered just as a plate, which is, supported a work piece. Therefore, Smith and Lipoma's references still meet the claimed limitations.

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quang T Van whose telephone number is 703-306-9162. The examiner can normally be reached on 8:00Am 7:00Pm M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robin Evans can be reached on 703-305-5766. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



QV

October 21, 2004



Quang T Van  
Primary Examiner  
Art Unit 3742